

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
July 27, 2004

The meeting was called to order at 6:00 p.m. by Mayor Dirksen.

Council Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, Woodruff

▪ STUDY SESSION

➤ MEETING PROCESS FOR BULL MOUNTAIN ANNEXATION PLAN

Mr. Monahan distributed the following documents:

- Public Testimony which has been received since the Council received the packet on Friday (Exhibits 1 through 5 were in the Councilor's Friday packet, Exhibits 6 through 20 were distributed at this meeting). Written material will be coming in during the hearing as citizens testify.
- Copy of letter dated August 28, 2003 from Charley Cameron, Washington County, signed by the five Washington County Commissioners, which explains the Commissioners position on annexation. He noted this was already in the public record.
- Public Hearing Comment Process on the Bull Mountain Annexation - a copy will be available to every person who wishes to testify.
- Statement that the hearing is about the annexation process, not whether or not to annex the Bull Mountain area into Tigard.

Mr. Monahan explained the question of whether Bull Mountain should be part of the City of Tigard was decided many years ago. He will show PowerPoint slides of the history of annexations since 1982. If voters reject the proposal in November, annexation could continue through any of the legal means available including on a piece-meal basis, resulting in less logical boundaries which would create potential inefficiencies. He then reviewed the public hearing process.

➤ ADMINISTRATIVE ITEMS

Mr. Monahan noted Councilors were invited to tour the Tualatin Watershed on August 12 from 12:30 p.m. to 4:30 p.m. He requested Councilors to let his office know by August 9 if they would be attending. Councilor Moore has made this tour and found it to be very interesting. He also noted the Council calendar was attached.

➤ KING CITY FEASIBILITY STUDY DISCUSSION

Mr. Monahan noted one copy of the King City Feasibility Study was received last Wednesday, less than a week before the hearing tonight, and Council received his brief comments after staff analyzed it. King City will not do anything until after Tigard makes its decision on whether to proceed with the election or delay the process.

Councilor Woodruff noted that Henry Kane and others had requested the record remain open for seven days following close of public testimony.

City Attorney Gary Firestone explained quasi-judicial land use hearings were required to be kept open for seven days but this is a legislative proceeding.

Mr. Monahan noted Council could choose to leave the record open for an additional seven days. He suggested that if the hearing concludes tonight and the record is left open to allow citizens to submit written testimony, staff could then review the written testimony and record, and prepare findings that Council could consider at this August 10 Regular Business Meeting.

Mr. Firestone pointed out Council could make a tentative decision and then come back with a resolution to accept the plan stating the Council's intent to refer the matter to the voters. He noted there are four land use applications covering each of the four areas, but they are all happening at one time. He asked if the resolution had been drafted.

Community Development Director Jim Hendryx stated a draft has been included in Councilor's packets for their review.

Mr. Firestone added if the Councilors are satisfied they have fully considered all the testimony, Council could then adopt the resolution once the hearing is closed. The resolution would include the findings.

Councilor Wilson noted if written materials are submitted at tonight's hearing, the Council would not have a chance to review the documents. He asked if Council was required to review every document before making a decision.

Mr. Firestone advised Council had a responsibility to make a decision based on the record, which includes all written testimony as well as the oral testimony, and advised Council they should then delay making its decision if they have not reviewed all written testimony.

Mr. Monahan explained if only a few people testify and submit written materials, Council could recess to review the materials and then reconvene to make a decision tonight.

Mr. Firestone added if Council were satisfied, they could make a decision at tonight's meeting. If Council wants time to review the record, Council could make a tentative decision subject to further review and consideration of the record, and return to make a final decision in a week or two.

Mr. Monahan noted several of the submittals received had included copies of newspaper articles which Council had already received. Much of the material appears to be repetitious or duplicates as well. He noted the Washington County Commissioners would be holding a hearing on the park systems development charges on August 3, which Tigard has been advocating for well over a year. If Council does not act before August 3, Washington County will postpone its hearing until August 17. The impact of the delay would be that the City could lose some SDC's on the three or four permits that would be issued in the Bull Mountain area. Tigard has lost \$1,300,000 since 1997 because the County had not approved the park SDC program in unincorporated Washington County.

Councilor Woodruff asked if Council were to make a motion on this issue tonight, would there just be a vote or would each Councilor have an opportunity to make a statement.

Mayor Dirksen explained he would call for Council discussion before calling for a vote.

Mr. Monahan clarified if Council was not ready to make a decision tonight but continued the hearing to another date, he would notify King City representatives to alert them to the fact that someone would need to attend the hearing if they wanted to hear a potential decision first hand.

Councilor Wilson asked what the appropriate motion would be if Council wanted to make a preliminary decision.

Mr. Firestone responded the tentative decision might be to approve the decision but Council needed additional time to review the testimony and all the documentation submitted, and direct staff to review the findings and draft resolution, to come back on a particular date, time and location.

Mr. Monahan noted Council could return on either Wednesday or Thursday night (July 28 or 29), or even August 3. He explained if someone signed up and testified tonight, they would be unable to speak at the next hearing; someone who

did not testify tonight could sign up to speak at a future hearing however. He noted that Mr. Firestone, Ms. Newton, and the Planning staff would be attending all the continued hearings.

Mr. Monahan noted the regular meeting begins at 6:30 p.m., with the public hearing scheduled to begin at 7:30 p.m.

Meeting was recessed at 6:21 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the business meeting to order at 6:30 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson and Woodruff
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

2. VISITOR'S AGENDA

John Frewing, 7110 SW Lola Lane, Tigard, OR., stated that Metro Councilor Carl Hosticka held an informational meeting at Tigard Town Hall regarding the question of density. Tigard's staff has indicated to citizens that Metro's density code applied to all of Tigard. Councilor Hosticka indicated something else, so he researched Metro's Density Rule since that meeting. He explained Metro allocates something called capacity, which is the total number of living units in Tigard, not the density. Tigard City Council has chosen to say in any particular zone, a subdivision shall not have a density less than 80 percent of the right lot sizes. Metro is not pushing Tigard to comply with that kind of rule. On December 5, 2002, Metro adopted Ordinance 02-969B which amends Section 3.07.1220 of the Metro Code. One sentence states, "Metro shall not require any city or county to authorize an increase in the residential density of a single family neighborhood in an area now solely as an inter/outer neighborhood pursuant to Metro Code 3.07.130 prior to May 22, 2002." While Tigard has an obligation to meet total number of living units, it did not need to have all lots within a zoning code, you could have a three-acre lot, the city could accommodate the right number of people somewhere else in the city. Mr. Frewing pointed he wanted to make it clear that Metro is not requiring Tigard to have small lots throughout the area.

Mayor Dirksen noted that was an interesting interpretation, and is different from the one he had heard. He is willing to look at that and see how Tigard can apply that within its Comprehensive Plan.

Mr. Frewing noted his bottom line was to ask Tigard to look at Metro's density rule, especially if Bull Mountain is annexed to Tigard, as there may be good legitimate

reasons to allowing very large lots on Bull Mountain, provided Tigard could provide those housing units somewhere else.

Mayor Dirksen noted he had stated in the past that Tigard intends in the near future to look at its Comprehensive Plan and make adjustments. One of the things he would like to do is look at ways to adjust density in some areas that were already more urbanized, increase density there, so we can reduce density elsewhere, but still maintain the capacity.

Ken Henschel, representing CPO 4B, which covers Tigard and Bull Mountain, read a letter dated July 15 from CPO 4B. (Agenda Item #5, Exhibit #21). He noted a week or so after Resolution 04-01 was rescinded and Resolution 04-02 approved, CPO 4B apologized for the procedural errors, and received a memo dated July 12 from the OSU Extension Office that coordinates CPO's, noting their concerns about those errors, even though the error had been corrected at its July 8 meeting. The City of Tigard was copied on that July 12 memo. City Manager Bill Monahan then forwarded that memo to newspapers in the area. For the record, CPO 4B responded in writing to the OSU Extension Office, and copied Tigard. In the unlikely event Tigard did forward that memo to area newspapers, CPO 4B fully expect that Tigard would, to avoid any appearance of impropriety, prepare a response memo and send a letter and newly approved and rescinded resolutions to the same newspapers in order to present a fair and balanced picture. In addition, the CPO 4B should be copied on that action. He felt many CPO 4B members will watch to see this request is followed.

Mr. Monahan explained Tigard has raised issues with the OSU Extension Service asking about the CPO process and how they operate. The answers received from Pat Opdyke of the OSU Extension Office about the CPO coordination have not been satisfactory. We have been concerned that the CPO was being given adequate information so that they can conduct their business. When we received the clarification, we felt more than 19, 50 or 100 people in a CPO which covers 20,000 people should be made aware of what the CPO is. A copy of that letter was provided to Council and the Regal Courier. The reason the letter was given to the Regal Courier was they called to ask about the CPO process, and was told Tigard had received a short piece of information about the process. The reporter was told this was an opportunity to explain what the whole process was. His providing this information was to make sure that the citizen participation process which serves the City of Tigard is one that is above board and out in the open.

Mr. Henschel noted they share the same area.

Mayor Dirksen noted that if the CPO perceived this was done to embarrass them, he would apologize. That was certainly not the intent.

Mr. Henschel said he did not think the entire CPO shared that view, but it was raised by a number of members.

3. **CONSENT AGENDA:** Motion by Councilor Wilson, seconded by Councilor Sherwood to approve the Consent Agendas as follows:

- 3.1 Approve Council Minutes for June 22, 2004
- 3.2 Receive and File:
 - a. Council Goal Update
- 3.3 Local Contract Review Board
 - a. Award Contract for Construction of 121st Avenue Sanitary Sewer (Reimbursement District #30)
 - b. Award Contract for Construction of FY 04-05 Pavement Major Maintenance Program
- 3.4 Authorize the City Manager to Sign and Enter Into an Intergovernmental Agreement with the Oregon Department of Transportation for the Tigard Downtown Improvement Plan – Council Consideration: Resolution No. 04 – 57.
- 3.5. Authorize the Establishment of a Medical Savings Account/VEBA Plan - Council Consideration: Resolution No. 04 – 54.
- 3.6 Authorize the City Manager to Sign Washington County Master Interagency Teams Intergovernmental Agreement
- 3.7 Authorize Submittal of ODOT Pedestrian & Bike Grant Application - Council Consideration: Resolution No. 04 - 55
- 3.8 Approve the Library Policies
- 3.9 Approve Consolidation of Lots on Library Site
- 3.10 Approve City Manager Contract - Council Consideration: Resolution No. 04-56

4. **DISCUSS PROCESS FOR BULL MOUNTAIN ANNEXATION PLAN PUBLIC HEARING**

Mr. Monahan noted the public hearing starts at 7:30 p.m. and suggested taking a recess until 7:15 p.m. to review the public hearing process. He pointed out a large crowd was expected and briefly reviewed the provisions that had been made to accommodate the crowd in Town Hall, City Hall lobby and the empty library.

* The meeting was recessed at 6:45 p.m.

* The meeting was reconvened at 7:15 p.m.

Mr. Monahan reviewed the Public Hearing Comment Process on the Bull Mountain Annexation Plan (Agenda Item 4, Exhibit #1) which included the procedure for citizens to sign-up to testify, the time limits that will be followed, how to submit

written testimony, and the provisions that had been made to accommodate over 300 people for this hearing. He explained that as the names of citizens are called to testify and their names shown on overhead projectors, those people were requested to make their way to the reserved seats in Town Hall to wait for their turn to testify.

Mayor Dirksen explained he had requested Mr. Monahan to assist him by monitoring the timer device. He asked that in order to accommodate as many people as possible wishing to testify, citizens were requested to adhere to the three-minute time limit and reminded citizens that they can submit written testimony as well. He will preside over the meeting and asked that the audience refrain from cheering, booing, etc., and treat others with respect even if they do not agree with their view.

Mr. Monahan then reviewed the history of annexations in the City of Tigard which included showing PowerPoint slides which showed the annexations which has occurred during the periods of 1982-1994, 1994-1996, 1996-1998, 1998-2000, 2000-2002, and 2002-2004 (Agenda item #4, Exhibit 2).

Mayor Dirksen recessed the meeting at 7:27 p.m., until 7:30 p.m., the time advertised for the start of the public hearing.

5. PUBLIC HEARING (LEGISLATIVE) – BULL MOUNTAIN ANNEXATION PLAN
(ZONE CHANGE ANNEXATION [ZCA] 2003-00003/ZONE CHANGE
ANNEXATION [ZCA] 2003-00004/ZONE CHANGE ANNEXATION [ZCA]
2003-00005/ZONE CHANGE ANNEXATION [ZCA] 2003-00006)

**ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005,
2003-00006 BULL MOUNTAIN ANNEXATION PLAN**

REQUEST: The City of Tigard is proposing to annex 1,376 acres of Washington County known as Bull Mountain through the annexation plan process. State law allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves the annexation proposal, it would set a date for the proposal to be placed on the ballot. **LOCATION:** The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map. **ZONE:** The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet). **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapter 18.320 and 18.390, Comprehensive

Plan Policies 2 and 10; ORS Chapters 195.205 and 222; and Metro Code Chapter 3.09.

a. Open Public Hearing – Mayor Dirksen opened the public hearing at 7:30 p.m.

City Attorney Gary Firestone read a statement outlining the procedures for the conduct of the public hearing.

Mr. Firestone asked the following questions of Council:

➤ *Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?*

There was none.

➤ *Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?*

No one in the audience challenged the Council's jurisdiction to hear the matter or any member of the Council to participate in the hearing.

b. Staff Report: Community Development

Community Development Director Jim Hendryx presented the staff report which included a PowerPoint presentation. (Agenda Item #5 – Exhibit #A). The staff report including the history of annexations in Tigard, and an explanation of the criteria from the State, Metro and the City of Tigard that needed to be met. There has been extensive citizen involvement program relating to this proposal, including open houses, public notices and coffee talks. The proposed Annexation Plan eliminates several pockets/islands within the city limits. This hearing is a culmination of three years of extensive study and public involvement. The record includes the entire record from the December 2003 hearings and comments received through Friday, July 23.

Mr. Hendryx stated that the Bull Mountain Annexation Plan complies with all applicable State, Regional and City approval criteria as described in detail in the staff report, and therefore, Staff recommends approval of the Bull Mountain Annexation Plan.

There were no questions of staff.

Mayor Dirksen requested that all cell phones and pagers either be turned off or programmed to a silent mode.

c. Public Testimony

Gretchen Buehner, 13249 SW 132nd Place, Tigard, OR., read her written statement. (Agenda Item #5 – Exhibit #22).

John Frewing, 7110 SW Lola Lane, Tigard, OR., read portions of his statement into the record. (Agenda Item #5 – Exhibit #23). Mr. Frewing requested Council consider all comments made this evening and to leave the record open for seven days to allow written testimony relating to the deficiencies in the plan to be submitted, and also allow time for Council and citizens to review all the testimony.

Ron Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR., testified in opposition to the Annexation Plan as the City is losing control of the process. He was concerned about the cost this proposed annexation is having on Tigard residents and what the cost would be if this ends up in litigation. He questions what impact this will have on the City's budget plans and assumptions based on anticipating that Bull Mountain would be annexed, as well as impacts if the City ends up paying damages. He hoped there would be a creative solution that satisfies everyone's concerns. A number of citizens have requested the City to slow down the process and to engage in dialogue with the citizens who would be impacted by annexation, including both residents of Bull Mountain and existing City of Tigard residents. Bull Mountain residents have expressed concern about increased taxes without a noticeable increase of services and have proposed that taxes might be phased in as additional services are received. Mr. Ellis Gaut noted a recent edition of the USA Today newspaper included a story about this annexation proposal, which was not flattering to Tigard. He urged Council to step back and continue with constructive dialogue rather than continue the test of wills and possibly ending in a court battle.

Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR., noted she supports both the written and oral requests made by citizens to keep the record open for an additional seven days in order for staff to prepare findings, for people to review the written testimony that has been submitted, for submittal of additional written testimony, and to slow the process down. She also is concerned as a Tigard resident about the full impact this annexation would have on existing City residents. She explained existing city residents have waited a long time for parks, traffic relief, green spaces, and existing ordinances to be enforced. She does not want any more tax dollars spent trying to make this annexation happen. Annexation of this area may have been on the City's agenda for the past 20 years, but she has not seen much discussion about it until recently. Most of Tigard's citizens have been unaware of this proposal and the impact it will have on the larger community. King City has expressed its desire to annex part of the Bull Mountain; Tigard should allow King City staff and Bull Mountain residents to explore the issue of whether King City could serve the south portion of Bull Mountain.

Gordy Winterrowd, 14749 SW Juliet Terrace, Tigard, OR., noted he had submitted written testimony for the record (Agenda Item #5, Exhibit #20). He asked Councilors to reflect back to the time they realized they had been elected and think about the goals they had and what they wished to accomplish as a Tigard City Councilor. He suggested that each Councilor wanted to make independent decisions that would benefit all citizens. He did not feel their goal would be to alienate 7,600 citizens. Councilors tonight had the opportunity to listen to citizens and not alienate 7,600 citizens. Abraham Lincoln stated, "No man is good enough to govern another man without that other's consent." Justice Brandies stated, "Our government teaches the whole people by example. If your government becomes the law breaker, it breeds contempt for law and invites every man to become a law unto himself." Mr. Winterrowd noted he would be adversely affected if his property were annexed to Tigard using the single majority vote process. He suggested that Tigard reduce expenses in its time of fiscal crisis.

Lisa Hamilton-Treick, 13565 SW Beef Bend Road, Tigard, OR, noted she would yield most of her time to Larry Derr, Attorney for the "Friends of Bull Mountain." Copies of letters from elected officials including two state representatives, two CPO's, the mayor of King City, and Metro Councilor Carl Hosticka, as well as a petition containing signatures of 1,032 people living on the south slope of Bull Mountain, "requesting the Tigard City Council to delay for nine months its scheduled July 2004 vote on whether to put the annexation matter on the November 2004 ballot. The purpose of this request is to offer us a reasonable opportunity to explore all annexation options." (Agenda Item #5, Exhibit #24). Ms. Hamilton-Treick noted the signatures represented 98 percent of the people who were contacted. The surveys on the visioning task force was not yet completed, but asked that the survey be included in the record when it is available.

The Council discussed whether one person can yield time to someone else as the Public Hearing Procedures that had been prepared had indicated no time could be given to someone else. After discussion, Council concurred to allow someone who had signed up to yield their time to someone else.

Mr. Monahan noted Ms. Hamilton-Treick had 1 minute, 17 second remaining.

Richard Franzke, 14980 SW 133rd, unincorporated Bull Mountain, noted he had submitted written testimony (Agenda Item #5, Exhibit #25). His testimony analyzes the annexation process procedures, the annexation plan and urban services agreements. He noted the plan contained many deficiencies, both procedurally and substantively, on the annexation process. If challenged, he felt his position would be sustained by the Land Use Board of Appeals (LUBA). He reiterated his continued disagreement with Tigard's proposal to use Chapter 195 as the method to count votes and with the staff report that indicated ORS Chapter 222 had no application over this

annexation. He yielded his remaining time to Mr. Derr. Mr. Franzke requested that the white paper documents be included in the record as part of this proceeding.

Mr. Monahan noted Mr. Franzke yielded 1 minute, 35 seconds to Mr. Derr.

Walt Rogers, 16055 SE Colony, yielded his three minutes to Mr. Derr.

Mr. Monahan noted that Mr. Derr would have a total of 9 minutes based on the amount of time previously yielded to him and his own time.

Larry Derr, 27448 NW St. Helens Road, Slip 400, Scappoose, OR., submitted written testimony (Agenda Item #5, Exhibit #26). Mr. Derr explained he represents "Friends of Bull Mountain" including several individuals who own property and reside in the area proposed for annexation. Council has heard many reasons during the past meetings and in correspondence it has received, why this is not a good idea, both for the residents of Bull Mountain as well as for Tigard residents. The logic of those reasons, the factual support of them, and the number of people urging the Council should be sufficient political reasons to delay and rethink this process. He has been both a land use lawyer and governmental law lawyer for over 35 years. He is satisfied that the record that has been submitted and continues to be submitted would provide more than ample reasons for a remand by LUBA. He and his clients were prepared to pursue an appeal if necessary.

Mr. Derr noted his feelings why he felt the process the Council was embarking on was unlawful for at least several reasons. The first relates to the use of ORS Chapter 195 as the authority for this annexation plan. He noted that ORS Chapter 195 is not available for use by cities in the Portland metropolitan area without first complying with the requirements of ORS Chapter 222, which requires a double majority vote. The Planning staff report and the revised public hearing notice both indicate that the applicable review process includes both ORS Chapters 195 and 222. Page 6 of the staff report indicated the annexation is governed by ORS 195.202 to .225, and ORS Chapter 222 did not apply. The City interpreted ORS Chapter 222 to mean the double majority vote process can be ignored. Mr. Derr indicated that ORS Chapter 268 governs Metro and the Metro region. Subsection 268.354(3) states, "Proceedings for annexation of territory to a city and for all other changes in city boundaries shall be conducted as provided in ORS Chapter 222." He explained that when he read that section, he couldn't believe what he was reading and wondered why the City and citizens were here in this process. This ORS statute is very succinct and is a clear statutory mandate to cities in the Metro region to apply the procedures found in ORS 222 for annexations. Other procedures would invalidate any annexation proceedings.

Mr. Derr explained the second reason was even if the Metro statute did not exist, ORS 195.215 describes how votes in annexations are counted, and most requires a double majority. Mr. Franzke alluded to this in his earlier statement. It is a well known fact that ORS 195.215 is ambiguous as to whether it calls for double or single majority. He noted proponents of both methods introduced bills during the last legislative session in an attempt to resolve the ambiguity in their favor. None of the bills were adopted, although a bill relating to double majority did make it out of committee while the single majority bill did not.

Mr. Derr contended the City's proposal to place this matter on the November 2004 ballot in the manner currently proposed would not produce the result it wants. He urged Council to delay action and look for an approach that would more likely meet the needs of the citizens, both in the City of Tigard and the annexation area, before continuing this process.

Ken Henschel, 14530 SW 144th Avenue., unincorporated Bull Mountain, read from his prepared statement (Agenda Item #5, Exhibit #19). He noted the City's fiscal problems, but Council approved increasing City Manager's salary earlier in the evening.

Mayor Dirksen noted Mr. Henschel had signed up twice. Mr. Henschel explained he had just spoke for himself. The second time he would represent Holly Shumway, chair of CPO 4B, who is unable to attend the hearing.

Tom Treick, 13565 SW Beef Bend Road, unincorporated Bull Mountain, submitted written material for the record. (Agenda Item #5, Exhibit #27). Mr. Treick stated his disappointment the City of Tigard had not provided open space, trails and parks in the north Bull Mountain area, and had failed to plan for the same in the unincorporated areas of the rest of Bull Mountain, even though they have had 20 years to do so. At the current time, approximately 750 acres of Bull Mountain is already within the city limits or about one-third of the area. Thousands of homes have already been built on Bull Mountain. He noted hundreds of thousands of dollars have been collected for park system development fees from this area, but not one acre of park land has been purchased to serve the needs of residents residing in this area. It appears that development is more important than park land. Virtually no land that is flat is available for park purposes. He noted that land under power lines were not suitable for park purposes according to the Parks White Paper, and school property should not be counted on for use as parks. Washington County indicated they collected or had the power to collect park SDC's but had not used any funds collected for park purposes to serve residents in this area.

Julie Russell, 1662 SW Terraview Drive, unincorporated Bull Mountain, stated she was passionately opposed to this annexation proposal. She lives in Arlington Heights

which originally was zoned R-5, and has been changed to R-7. Ms. Russell explained Tigard's proposal to use the single majority voting process deprived her of her constitutional rights of a double majority election in which the votes in the City of Tigard and votes in the Bull Mountain area are counted separately, not combined. She noted the Bull Mountain Annexation Plan was not available on the City's website until last Friday which did not allow enough time for citizens to review the extensive document in the time frame allowed. She asked that Council delay any decision by at least 30 days in order for the residents of Bull Mountain and Tigard and the Council to review the extensive document.

Ms. Russell explained she was a member of the White Paper Committee regarding parks. The Committee found that parks in the Bull Mountain area were deficient. Both Tigard and Washington County acknowledged that deficiency. There is no guarantee that the park SDC's collected from the Bull Mountain area would be spent in the Bull Mountain area. Recent research indicated that some time ago, SDC's had to be spent in the area the fees were collected but in 1996, Council adopted a resolution changing the policy allowing fees to be used anywhere in the City.

Ms. Russell noted that the City's Cook Park is a very beautiful park, but it is located five minutes from her home, so her children have to play in the streets. Residents of Bull Mountain want safe neighborhoods and places for children to play. She is not assured that Tigard is actually going to provide that if this annexation is approved. She pointed out that three pedestrians were killed in Tigard during the past year while walking along streets and roads without sidewalks. Citizens of the Bull Mountain area are concerned about livability, want safe neighborhoods, and streets they and their children can walk across. Currently all children attending Deer Creek Elementary School, which is the only elementary school in the Bull Mountain area, are bussed as no child is allowed to walk to school as the streets are so unsafe. Residents are upset with the way both Washington County and the City of Tigard has handled this whole issue. Ms. Russell explained that in order for the dialogue to continue and for this to be a positive thing, lots of things have to happen, and Bull Mountain residents needed to be included in the process so those residents feel they will get something out of it.

Ken Henschel, representing Holly Shumway, Chair of CPO 4B organization, read their Resolution 04-04, which had been entered into the record (Agenda Item #5, Exhibit #18).

Councilor Woodruff asked how many people attended the meeting when the resolution was considered, and what is the population of CPO 4B. He asked if CPO 4B represented 40,000 people in both the City of Tigard and unincorporated Washington County.

Mr. Henschel responded the number of people attending the meeting varied as there were a number of topics considered that evening. He did not recall how many votes were cast, but the resolution indicates it was unanimously passed by those in attendance. He indicated he would try to find out the exact number of people who attended the meeting.

Larry Gage, 15149 SW Cabernet, unincorporated Bull Mountain, had submitted two documents (Agenda Item #5, Exhibit #15 and 16) for the record, and then read Exhibit #15.

Cleon Cox, 13580 SW Ash Avenue, Tigard, OR., stated this was another mess and urged Council to delay making a decision for many of the same reasons others have stated. Previously he asked for an explanation about speed bumps but he has never received a response from the City as to why they were needed. When invited to join a sewer district, he never received a notice of the hearing, but was included in the district. He protested the street fee, and did not understand why the street fee was added to his water bill. He has spoken several times recently about inefficiencies in City government. About a year ago he attended a budget committee meeting. He was pleased to hear City Manager Bill Monahan recommend cuts, but he was disappointed when the Committee put almost all the recommended cuts back into the budget. That is not being fiscally responsible. Everyone is in tough times, but no one seems to listen and continues with business as usual. He noted that things were not working for the taxpayers. Too much is being paid for services and also have services that are not needed. He did not understand why the City had its own arborist; what really got to him was that the Council did not listen to the recommendations of their own arborist and took different action on a recent case. He did not think there was any kind of fiscal responsibility and something needs to be done. Regarding the Bull Mountain annexation, he requested Council to hold off making a decision, do more analysis, and have more input before more mistakes are made that keep costing the city taxpayers more money.

Isador W. Morgavi, 15145 SW 119th Avenue, unincorporated Bull Mountain, presented written testimony (Agenda Item #5, Exhibit #2). He then explained that the City is between a rock and a hard place. The rock is Measure 50 that limits the increase of property taxes to 3 percent each year. The hard place is the stagnated revenue statement which reduces the normal revenue income. Another rock is that the cost of doing business has increased by 9 percent which is much higher than the 3 percent increase of property taxes. He noted Councilors receive very little praise or reward for the time that is required to attend to City business, but are faced with a lot of irate citizens because the Council seldom comes to a decision that pleases everyone. The Councilors are the ones to have to make this decision and make it work. He has been one of the most vocal persons in opposition to the single majority vote process.

He urged that Council to do what they have to for Tigard residents, but asked that the rights of others not be trampled on in doing so.

Scott Miller, 15415 SW Ashley Drive, unincorporated Bull Mountain, president of the Mountain Gate Owners Association, submitted written testimony (Agenda Item #5, Exhibit #28). He noted the Mountain Gate Owners Association has 200 homes and approximately 600 residents, which is about 8 percent of the annexed area. A survey was conducted of the homeowners and approximately 97 percent indicated they were in opposition to the proposed annexation. He commented that the first speaker, Gretchen Buehner, stated there was no way for the City to provide parks. Residents in the Bull Mountain area receive excellent service from the Washington County Sheriff's Department now. It has been stated that the area would receive high levels of government services, but they do not have any complaints now about the level of service received. Originally, he heard the proposal was going to be a double majority vote but that was changed to a single majority process. Mountain Gate residents expressed their concern about the single majority process. He indicated there may be other ways to do this. He offered to participate in a process to find a winning solution for all. If the end result is not a winning solution for all, then it should not be done.

Emily Barnhart, 15491 SW Peachtree Drive, unincorporated Washington County, stated that Scott Miller essentially stated her position. She asked to yield her time to Mr. Kane should he need it.

Mr. Monahan noted Ms. Barnhart used approximately 2 seconds of her 3 minutes.

Stuart Byron, 15650 SW 133rd Avenue on unincorporated Bull Mountain, indicated he had submitted written testimony prior to the meeting (Agenda Item #5 – Exhibit #12) which Council can review and respond to. Mr. Byron noted Mr. Monahan indicated annexation would take place one way or another. He was appalled at the continued single vision of the City and that annexation of this area to Tigard would occur. This single vision and almighty attitude was the reason he opposed being annexed to the City of Tigard. There are alternate methods available under ORS Chapter 222, yet the City chooses a method by which it knows it could use even when that method was in question. In following this single vision, the City has completely ignored its own development code in favor of developers, ignored its tree code, and failed to levy fines under the development code. The City has done nothing during the past 20 years to plan for annexation. Mr. Byron noted page 3 of the Annexation Plan states other methods of annexation were available but choose this annexation method because it requires the creation of a long-term annexation strategy. The Annexation Plan is not a plan at all, but reiterates the status quo of how the City does business, did not address how annexation would benefit the residents of Bull Mountain, and in some cases, benefits currently received would be reduced. He feels

the Annexation Plan is an attempt to create revenue for the City that cannot fiscally manage itself. The City Finance Director has stated the City will face a deficit in 2008, if not earlier. The single vision has adversely affected him. The City has frivolously spent funds on court cases such as the City of Tigard vs. Dolan, a recent case appealing a LUBA decision, and not listening to their own arborist in a recent case. If the City is in such financial straits, why give the City Manager a raise. He suggested to Council it is time to relook at the way they do business. There are other ways to create a community and unify the City. Bull Mountain residents have other options, which they will legally pursue, at a cost to both the City and the residents. He urged the Council to listen to the people of Bull Mountain and look at other ways of doing business.

Wynne Wakkila, 15522 SW 141st, in Tigard, but located on Bull Mountain, requested that the record be kept open for an additional seven days in order to submit written testimony. She then read her written statement. (Agenda Item #5 – Exhibit #29)

Tom Fergusson, 14850 SW 141st Avenue, Bull Mountain resident, stated he would be adversely impacted if the City of Tigard continues with the unconstitutional single majority annexation because he will receive no tangible benefits and would be required to pay increased taxes. He noted many people have talked about parks already. He has used Tigard parks, as well as those in Portland and Sherwood, as other cities open their parks to non-residents. He then read his written statement (Agenda Item #5 – Exhibit #30). He asked that any remaining time be yielded to Mr. Kane.

Mr. Monahan noted Mr. Fergusson yielded 17 seconds, Ms. Barnhart left 3 minutes, so Mr. Kane has 6 minutes, 17 seconds for his testimony at this point.

- The meeting recessed for a break at 8:59 p.m.
- The meeting reconvened at 9:12 p.m.

Kathy Sayles, 16985 SW Kemmer Road, Aloha, indicated she had submitted written testimony earlier (Agenda Item #5 – Exhibit #31) and had erroneously signed up Mr. Kane's name when she arrived, not realizing he should have signed up personally when he arrived. She noted Mr. Kane was attending another meeting in Beaverton but would come here as soon as that meeting was over. Included in her testimony was a copy of Mr. Kane's letter with the correct citation of why the record should be left open for an additional seven days. Ms. Sayles noted this proposed action would adversely affect residents on Bull Mountain. While she lives on Cooper Mountain, she was not one of the targeted residents, but would still feel impacted because anything negative impacting Bull Mountain indirectly affects her, especially relating to voting rights. She wrote her testimony before coming to the meeting, which included

reference to the potholes on Schools Ferry Road in Tigard. Evidently since she last drove that road, the potholes had been fixed, so that reference could be stricken from her testimony. She also drove on Hall Blvd., and the potholes on Hall Blvd. have not been fixed.

Ms. Sayles noted Mr. Monahan had stated that the decision had been made to annex Bull Mountain to Tigard 20 years ago. She pointed out the City Council is the government, operating for the people, doing what the citizens tell you, not the other way around. She noted that Senate Bill 122 was a tool for planning, for cities to get their act together, and make mutual boundary decisions, but there was no timeline on future annexation, or requirement that unincorporated residents to annex to a city. It is still up to the residents. She has seen a barrage of propaganda from Washington County stating, "You will be annexed to a city." That is totally false. She noted no one has changed the constitution to take away the rights of citizens and for government to tell them what to do.

Charles Radley, 15729 SW Colyer Way, unincorporated Bull Mountain, noted his prepared statement had been submitted (Agenda Item #5 – Exhibit #8). Mr. Radley noted he received a copy of the motion from Henry Kane requesting that the record be left open for seven days after close of the public hearing, which stated as follows: "ORS 197.763(6)(a), Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional testimony regarding the application." (Agenda Item #5 – Exhibit #5, submitted by Henry Kane.) He feels that statute requires that the City must keep the record open for at least seven days after the close of the hearing. He then asked that the record be left open for seven days after the close of the hearing. Mr. Radley noted the City Attorney requested citizens not repeat the testimony from previous speakers; but he noted he concurred with all the statements made by the earlier 17 speakers. He then read portions of his testimony. In conclusion, Mr. Radley noted he felt ORS Chapter 222 is the correct statute to follow and use the double majority vote rather than ORS Chapter 195 and the single majority voting process, as it has not been tested in court.

State Representative Phil Yount, 11222 SW Cottonwood Lane, Tigard, OR., stated he is the State Representative for this area, but is speaking as a private citizen of the City of Tigard. He had previously sent a letter to the City asking the Council to delay consideration of this proposal, which he would reiterate tonight. He was aware of what King City was doing and that Tigard had received a preliminary study from King City. In view of all the testimony and written material submitted in opposition to the proposal and the threatened litigation, he urged the Council to tread very carefully before embarking on a path which would lead to possible litigation. There may be a win/win solution, but at this point, there needed to be a cooling off period. He would request this decision be deferred for a period of time before trying to gather everyone around the table to discuss this in order to have a winning solution for all involved.

Julie St. Peter, 14356 SW 130th, Tigard, resident of the north side of Bull Mountain, stated she was one of the residents who are dissatisfied and disappointed in the management of the City of Tigard. She conducted a mini poll of neighbors become coming to the meeting tonight. Her neighbors continue to want parks, livability, safety, and all the other things other people have noted. When she moved to Tigard in 1995, she was excited and enthusiastic supporter of the community. She was a member of a park selection board some time ago, which went through the entire process to acquire an 11-acre parcel for park purposes for approximately \$750,000, but then City management let the acquisition fall by the wayside. That property is now developed with homes. That was a frustrating and disappointing process. Cook Park is fantastic, but so often there are stakes in all the fields, making them unusable. Her family goes to the Portland Community College property in order to launch rockets and fly airplanes.

Ms. St. Peter asked Council to consider the comments of those people who would be directly impacted by this annexation. In addition, she is learning that as a current city resident, she would also be affected. She requested that Council defer this decision in order to come to a consensus with those who are affected, one that everyone can live with. She is tired of fighting City Hall, which is the reason not many people come to City meetings, because they don't feel their opinions are listened to, so why even come.

Keshmira McVey, 13525 SW Beef Bend Road, unincorporated Bull Mountain, noted that while the Tigard City Council claims to have the legal right to move forward with the annexation of Bull Mountain, Mr. Derr has pointed out the flaws of the City's logic. Even assuming that Tigard has the legal right, a legal right can be fundamentally wrong. One example of a legal right being fundamentally wrong was women's right to vote. She complimented Gordon Winterrowd's quotes of President Abraham Lincoln and Justice Brandies. That is why the Friends of Bull Mountain are here tonight, to stand up for our legal rights. She noted that Tigard's hostile annexation of Bull Mountain denies residents a fair vote on such an important issue. Ms. McVey pointed out Tigard was trying to use a vague, unconstitutional statute (ORS Chapter 195) and a single majority vote, instead of the tried and true double majority method which had been used for decades in Oregon (ORS Chapter 222). A single majority vote where all the votes of City of Tigard residents would be co-mingled with the votes of Bull Mountain Residents, would result in Tigard overruling Bull Mountain voters at a ratio of 6 to 1. If every voter on Bull Mountain would vote against annexation, Tigard would still succeed. That is not fair.

Ms. McVey pointed out Tigard officials were wielding unchecked political power over Bull Mountain residents, and have openly admitted they are not accountable to Bull Mountain residents and are proposing to annex the area regardless of the resident's

concerns. This process has been so egregious that nearly every elected official representing the Bull Mountain area has requested Tigard to delay annexation and to give Bull Mountain residents a fair vote. She stated she felt Tigard's reasons for annexing the Bull Mountain area had nothing to do with completing its community, but would only offset the City's burden caused by poor fiscal management. It would be used as a cure-all fix, providing a long term revenue base, and instead of living within its means, Tigard was looking for a home equity line of credit on her and other Bull Mountain resident's property. She suggested Tigard residents should not tolerate this fiscal mismanagement from their city government. Ms. McVey noted the moral in her son's Bernstein Bear books, "it is never too late to correct a mistake."

Ellen Beilsten, 14630 SW 139th Avenue, unincorporated Bull Mountain, read her statement into the record (Agenda Item #5 – Exhibit #32).

Becky Kampschroeder, 15113 SW Cabernet Drive on Bull Mountain, commented she heard statements at the earlier rally than many residents had lived in the area for 15 to 20 years, as compared to her little over a year time period. She asked Council to consider the plea a number of other people had made for Tigard to delay making a decision, to give time for others to look at other options, and to give King City time to determine if they could provide service to any of this area versus what Tigard could do.

Tom August, 15707 SW Bristlecone Way, located on the north side of Bull Mountain, noted his displeasure with Mr. Monahan's opening statement when he stated annexation would eventually go through, but he was not aware citizen's voting rights had been given to Mr. Monahan. During the past 20 years since the "decision" was made that this area would eventually be annexed to Tigard, and even during the past eight years since various governmental agencies discussed how the area would be divided, he asked how much land had been acquired for park space. He was displeased recently to hear that when the Public Land Trust offered some acreage south of Bristlecone Way to the City of Tigard, that the Public Land Trust found Tigard officials impossible to work with, and then the land was sold to a developer. Tigard lost an opportunity to acquire land for needed park purposes, which did not strike him as being consistent with Tigard's attempt to provide the services it would provide. Mr. August then read the remainder of Tom Treick's written testimony in Exhibit 27 which related to acquisition of property for possible park purposes. He noted he has heard Tigard had at least three or four opportunities to acquire land for park purposes, which has not occurred. He suggested the City use Park SDC's funds to acquire land for park purposes.

Daryl Baron, 14700 SW 141st Avenue, south side of unincorporated Bull Mountain, stated he would be adversely affected by the proposed annexation. He attended a City of Tigard meeting seven or eight years ago at which a City representative stated

that Tigard had a policy that it would not annex any property whose owner did not want to be annexed, and that it had to be a win/win situation for both Tigard and the resident(s). He is aware that City policies can change; however, there needs to be cooperation from both sides. He favors a double majority vote. He urged a fair vote to allow the double majority process to take place. Mr. Baron noted that Councilor Woodruff asked the question of how many people attended the CPO 4B meeting and how many people did CPO 4B represent. His recollection is that CPO 4B represents approximately 40,000 people and 50 people attended the meeting when the subject resolution was considered, but it was all 50 present who voted in favor of the resolution. It is true that not all 40,000 people were in attendance and voted on the resolution. He pointed out that elected officials all over the nation are elected by a minority vote as clearly a majority of eligible voters do not vote. The people present are concerned about the way this has been proposed. Washington County shares a major responsibility as they have not communicated to the affected residents their intention to relinquish their responsibility of the Bull Mountain area to the cities.

Sally Harding, 12214 SW Landsdowne Lane, stated she grew up in Tigard, moved away in 1979, but then moved back to Tigard in 2000. She did not check what had happened in Tigard before she moved back but did check out the schools in the city. Shortly after moving back to Tigard, her property was part of the Walnut Island annexation, which was different from this proposed annexation process. She encouraged Council to use the double majority process. Ms. Harding noted her taxes have gone up substantially since annexation occurred. The tax assessed value is way out of line with the appraised value by over \$20,000, both in 2000 and 2002. The only service she feels she has received since she was annexed was to be told to move a basketball hoop because someone wanted to park a motor home in the cul-de-sac one day over a holiday weekend. She expressed concern about the traffic problems that exist on 99W and the need for parks. She would like to see Tigard get its fiscal house in order and to consider the double majority vote process.

Gary Stephens, 15120 SW 141st Avenue, read portions of his written statement into the record (Agenda Item #5 – Exhibit #9).

Henry Kane, 12077 SW Camden Lane, Beaverton. Mr. Kane had submitted documents for the record. (Agenda Item #5 – Exhibit #3, 4, 5, 6, 7, and 17).

Mr. Monahan noted several people had yielded their time to Mr. Kane, which would give him six minutes, 17 seconds.

Mr. Kane stated he wanted to make it clear he is speaking only for himself. This is the second time he has participated in a double majority constitutional fight. He helped fight the parks district attempt several years ago. In the process of trying to do what they could not do legally, the Park District Board of Directors destroyed its reputation.

He would prefer Tigard City Council not suffer the same fate as the Park District Board of Directors. He was sad to hear the ruling was made that this was a legislative matter instead of a quasi-judicial matter. Mr. Kane stated he would submit case citations about this annexation, including a LUBA case regarding the City of Beaverton.

Mr. Kane pointed out that Council was confined to the record made in the staff report and the old annexation feasibility study. The only new things are the updates to it. One problem is there has been no justification given other than the City needs money which is clear from the record and previous meeting minutes. The Oregon Supreme Court has said that justification is not reasonable. If this is appealed, this issue will be one of the 25 to 30 assignments of errors that will be used. There is a lack of justification of the forced annexation, other than the fact the Bull Mountain voters have been deprived of an effective vote. He could provide US Court Appeals for the Ninth Circuit decisions, based in part by a long standing US Supreme Court decision that a public body cannot diminish, dilute, or interfere with the full value of a person's vote. In this particular case, the City of Tigard is one jurisdiction, and Washington County has jurisdiction over the Bull Mountain area. All the Oregon Supreme Court cases say this cannot be done, as it violates Article (1), Section 20 of the Oregon Constitution. He could provide other case law that substantiates this position. He asked Council to think about what a person in private business would do if they knowingly made a decision that would most likely end up in a lawsuit: they would wonder what the lawsuit would cost, and be concerned about whether they would win. He suggested the City would not win this case and should not throw good money down the drain, similar to what occurred in Dolan vs. the City of Tigard. Since the City Councilors are not attorneys, he suggested that they listen to competent counsel. If faced with a medical operation, most people seek a second opinion; he suggested the Council do the same regarding this issue.

Mayor Dirksen noted that completes the testimony from those who had signed up to testify and asked if anyone else wished to speak who had not signed up.

Jim Fisher, 13883 SW 159th Terrace, Bull Mountain, stated the City Council and staff have tried to be pro-active in this process and work with the Bull Mountain residents. However, the process broke down. He explained he attended a coffee session at which a neighbor mentioned the Stanley Trust property, located in that immediate area, was being offered to the City. The City representative stated they would look into it. Within two weeks of that coffee session, the trees had all been cut down and the property developed. He asked the Council to try to understand why the residents of Bull Mountain were so unhappy with the process.

Mayor Dirksen asked if anyone else wishing to speak. No one else indicated they wished to speak.

Mayor Dirksen asked Mr. Hendryx to review the staff recommendation and make any closing comments.

Mr. Hendryx stated Council has before it the Bull Mountain Annexation Plan. The staff report gives a more detailed analysis of how the plan meets the criteria, the Plan has been reviewed by the City Attorney's Office to make sure it complies with the stated criteria, and staff recommends Council approve the Annexation Plan.

Mayor Dirksen asked if Councilors had any questions or comments before the public hearing was closed. No one had any questions or comments at this time.

d. Mayor Dirksen closed the Public Hearing.

e. Council Discussion and Questions of Staff.

Councilor Moore stated this is a very important decision that Council will be making. A number of people have requested that the public record be left open for seven days, which the Council has the prerogative to do. Council received a lot of oral testimony as well as written testimony tonight and he felt it would be too difficult for Council to digest and make a knowledgeable decision tonight. He suggested to the other Councilors that the record therefore remain open for seven days until 5 p.m. on August 3, for citizens to submit additional written testimony. The additional written material would be copied and given to the Council for their review. On August 10, the Council would then come back to make a decision.

Councilor Woodruff stated he concurred with the suggestion made by Councilor Moore. He noted that the Council has all the material that has been submitted since last November as well as the testimony submitted during the past few months. There is a lot of material to review.

Councilor Sherwood noted her concurrence with Councilor Moore's suggestion as well.

Mayor Dirksen commented there was no way for the Council to review everything received tonight while listening to the testimony. The Council will also need time to review any written testimony received if the record is left open until August 3, before meeting to make a decision. He indicated his concurrence with the suggestion to leave the record open.

Mr. Monahan noted that before Council makes a motion, if Council postpones making a decision until August 10, which would be the next opportunity for Council to act on the Annexation Plan, if Council does make a final decision that night, the public hearing on the proposed ballot title is tentatively scheduled for August 10 as well. He

wanted to make sure the public did not get the feeling that staff had disregarded what Council would be doing on August 10 on the annexation plan. The intent is to keep the process moving forward if it chooses to put the annexation plan on the November 2004 ballot.

Mr. Firestone recommended the motion be to allow additional written testimony be allowed to be submitted for the next seven days, until 5 p.m. on August 3, and to recommence the hearing on Tuesday, August 10, during the regular 7:30 p.m. Council business meeting, here in Town Hall.

Mr. Monahan asked Councilor Moore if any oral testimony would be taken on the Annexation Plan on August 10.

Councilor Moore stated that would not be his intent to allow additional oral testimony on August 10. It would just be for Council discussion and decision.

Councilor Sherwood asked for clarification before the motion is made. The public hearing has been closed, and the proposal would be to only allow additional written testimony to be submitted.

Mr. Firestone responded that was what he understood Councilor Moore's suggestion to be, that no additional oral testimony would be received.

Motion by Councilor Moore, seconded by Councilor Woodruff, TO ALLOW ADDITIONAL WRITTEN TESTIMONY TO BE SUBMITTED FOR THE NEXT SEVEN DAYS, THROUGH 5 P.M. AUGUST 3, 2004, AND FOR COUNCIL TO RECOMMENCE THE HEARING ON TUESDAY, AUGUST 10, 2004, AT 7:30 P.M. DURING THE COUNCIL'S REGULAR BUSINESS MEETING, IN THE CITY OF TIGARD TOWN HALL, WITH NO MORE ORAL TESTIMONY BEING TAKEN ON AUGUST 10, 2004.

The motion was approved by a unanimous vote of Council present:

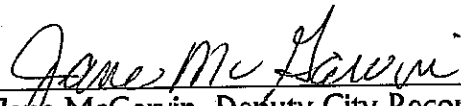
Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Councilor Woodruff commented he appreciated the orderly process of the hearing, as everyone had a chance to say what was on their minds. There were people not only in Town Hall, but the lobby and library as well. He appreciated everyone who had taken time out of their busy schedules to participate in this process.


Councilor Sherwood noted how everyone was kind and polite to each other, even those who had differing view points. It was important for everyone to be able to hear the testimony. Councilors do listen, and there is a lot of testimony to be reviewed.

Mayor Dirksen added his thanks as well. It is not easy to come to a hearing like this and speak in front of such a large crowd, especially on such a contentious issue.

6. COUNCIL LIAISON REPORTS – None
7. NON AGENDA ITEMS – none
8. ADJOURNMENT – The meeting was adjourned at 10:02 p.m.


Jane McGarvin, Deputy City Recorder

Attest:



Mayor, City of Tigard

Date: September 14, 2004